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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David Arlasky
Serial No.: 10/623,960
Filed: 17 July 2003
Title: ROTATABLE PROPELLER
DRIVEN ENGINE EXHAUST SYSTEM
(Formerly: Improved Muffler)

Group Art Unit: 2837

Examiner: San Martin, Edgardo

CERTIFICATE OF FACSIMILE

Pursuant to 37 C.F.R. § 1.8(a), I hereby certify that this paper (along with any paper identified as being attached or enclosed therewith) was transmitted via facsimile to 571/273-8300, on the date identified below, in accordance with the Rules.

Date: June 4, 2006

Martin Faier, Attorney (Reg. No. 20,294)

DECLARATION OF DAVID F. ALARSKY

DAVID F. ALARSKY, hereby declares, as follows:


1. Declarant is the inventor of and fully familiar with the invention disclosed and claimed in the above identified patent application, and he is fully familiar with the prosecution of said application. Declarant is an officer and employee of Alarsky Performance, Inc., of 15801 Rockfield Blvd., Units B and C, Irvine, CA 92618, the manufacturer and distributor of devices embodying the invention disclosed and claimed in said patent application, which are identified as ZOOMERS exhaust systems.

2. Since Declarant's employer has been offering devices embodying Declarant's said invention to customers, on information and belief unit and dollar sales of embodiments of said invention have risen from zero to the present amounts as shown on Exhibit A attached to this Declaration. Such products have had substantial acceptance in the exhaust systems industry and have enjoyed considerable commercial success.

3. Some of the customers of Alarsky Performance, Inc. have employed Automotive Testing and Development Services, Inc. to test their vehicles with and without exhaust systems embodying Declarant's invention. On information and belief, these vehicles were first tested with the exhaust systems on the respective vehicles and then Declarant's said systems were installed on said vehicles and they were again tested. The results of such tests were reported to Declarant. A copy of the said test results is attached, together with a page from the test company's website identifying that company and its business. These tests, made of six tow trucks, showed fuel improvement of an average of 11.53%. According to the US government, our country imports 1.1 million barrels of oil per day; if an 11.53% average savings resulted in US consumption of oil, the savings of imported oil would be 126,830 barrels of oil per day. While testing of Declarant's invention has been limited, Declarant believes the saving resulting from the tests conducted so far established a new and unexpected result for his said invention. In view of the national significance of fuel savings systems and products, which have moved in the direction of substitute fuels and improved engines, Declarant believes that improvements in exhaust systems like the system embodying the present invention represents a new and unexpected result from his said invention and movement of the prior art in a direction not usually taken by those interested in solving the present fuel crisis.

The undersigned, being hereby warned that willful false statements and the like so made are punishment by fine or imprisonment or both under 18 U.S.C. 1001, and that such willful

false statements may jeopardize the validity of the above identified patent application or any resulting patent, declares that all statements made herein of his own knowledge are true and all statements made on information and belief are believed to be true.



David F. Arlasky

EXHIBIT A TO THE DECLARATION OF DAVID F. ALARSKY**1. Unit Sales of Exhaust Systems:(No sales prior to January, 2004)**

| <u>Year</u> | <u>No. Of Months</u> | <u>No. Of units solds</u> |
|-------------|----------------------|---------------------------|
| 2004 | 12 | 416 |
| 2005 | 12 | 1194 |
| 2006* | 5 | 629 |

* Estimates sales for 12 months, 2006, 2246 units. Sales are strongest, June through December.

2. Unit Sales of Exhaust Systems (No. Sales prior to January, 2004)

| <u>Year</u> | <u>No. Of Months</u> | <u>Sales</u> |
|-------------|----------------------|---------------------|
| 2004 | 12 | \$249,952.34 |
| 2005 | 12 | \$716,401.36 |
| 2006 | 5 | <u>\$377,580.92</u> |



Test Result Summary

| Baseline Tests | | | FTP-75 | | | |
|----------------|--------------------|-------|--------|-----------------|-------|--------|
| Date | Test ID | THC | CO | NO _x | NMHC | FE |
| B-1 | 9/10/2004 ONT01952 | 0.068 | 0.420 | 0.094 | 0.060 | 14.674 |
| B-2 | 9/12/2004 ONT01959 | 0.069 | 0.730 | 0.084 | 0.061 | 14.706 |
| B-3 | 9/13/2004 ONT01967 | 0.067 | 0.672 | 0.092 | 0.057 | 14.873 |
| Average | | 0.068 | 0.607 | 0.090 | 0.059 | 14.751 |

| | | HWFET | | | | |
|---------|--------------------|-------|-------|-----------------|-------|--------|
| | | THC | CO | NO _x | NMHC | FE |
| B-1 | 9/10/2004 ONT01952 | 0.007 | 0.125 | 0.010 | 0.004 | 23.073 |
| B-2 | 9/12/2004 ONT01959 | 0.010 | 0.151 | 0.024 | 0.004 | 23.248 |
| B-3 | 9/13/2004 ONT01967 | 0.010 | 0.132 | 0.025 | 0.004 | 23.356 |
| Average | | 0.009 | 0.136 | 0.020 | 0.004 | 23.226 |

| With Zoomers Exhaust System | | | FTP-75 | | | |
|-----------------------------|--------------------|-------|--------|-----------------|-------|--------|
| Date | Test ID | THC | CO | NO _x | NMHC | FE |
| M-1 | 9/21/2004 ONT02038 | 0.056 | 0.487 | 0.078 | 0.050 | 14.546 |
| M-2 | 9/22/2004 ONT02051 | 0.054 | 0.541 | 0.088 | 0.047 | 14.518 |
| M-3 | 9/23/2004 ONT02065 | 0.054 | 0.451 | 0.092 | 0.046 | 14.467 |
| Average | | 0.054 | 0.493 | 0.086 | 0.047 | 14.510 |

| | | HWFET | | | | |
|---------|--------------------|-------|-------|-----------------|-------|--------|
| | | THC | CO | NO _x | NMHC | FE |
| M-1 | 9/21/2004 ONT02038 | 0.006 | 0.157 | 0.009 | 0.004 | 22.887 |
| M-2 | 9/22/2004 ONT02051 | 0.009 | 0.188 | 0.029 | 0.004 | 22.816 |
| M-3 | 9/23/2004 ONT02065 | 0.010 | 0.172 | 0.036 | 0.006 | 22.950 |
| Average | | 0.008 | 0.172 | 0.025 | 0.004 | 22.885 |

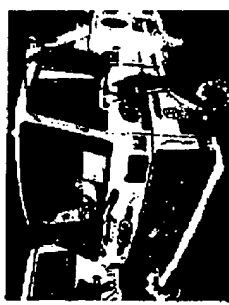
400 S. Etiwanda Avenue, Ontario, CA 91761
 P: (909) 390-1100 F: (909) 390-9056 E: info@automotivetesting.com

Medium Duty Fuel Test Results



COMPANY
Make
Model/Year
Engine
Before MPG
After MPG
% Improvement
Beginning ODO

TOWING
GMC 6500
2001 TOPKICK
7.36
8.56
16.30%
48,952



COMPANY
Make
Model/Year
Engine
Before MPG
After MPG
% Improvement
Beginning ODO

TOWING
Nissan UD
1994
Nissan
7.91
8.76
10.75%
128,753



COMPANY
Make
Model/Year
Engine
Before MPG
After MPG
% Improvement
Beginning ODO

TOWING
Ford F-550
2004
V-10 Triton
5.30
6.88
10.94%
28,753



COMPANY
Make
Model/Year
Engine
Before MPG
After MPG
% Improvement
Beginning ODO

TOWING
Ford F-550
2004
V-10 Triton
6.36
7.01
10.22%
68,752



COMPANY
Make
Model/Year
Engine
Before MPG
After MPG
% Improvement
Beginning ODO

TOWING
Ford F-450
2003
Ford
7.76
8.45
8.89%
74,839



COMPANY
Make
Model/Year
Engine
Before MPG
After MPG
% Improvement
Beginning ODO

TOWING
Ford F-550
2004
Ford
7.04
7.89
12.07%
56,425

AD AUTOMOTIVE TESTING AND DEVELOPMENT SERVICES, INC

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Analysis

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